

Meeting Date
May 6, 2010



AGENDA	
Proposal #	44
Item No.	X. B.

AGENDA REPORT
BREVARD COUNTY CHARTER REVIEW COMMISSION

SUBJECT: Section 1.9 Citizens Bill of Rights

PETITIONER: Penny Canales

Requested Action:
 Requesting the Charter Review Commission consider approval of a Charter Amendment to add a section for Citizens Bill of Rights.

Summary Explanation & Background:
 This proposal requests that the Charter Review Commission approve an amendment to the Charter to add a section for the purpose of establishing a Citizens Bill of Rights.

- A. Access to Government
- B. Truth in Government
- C. Public Records
- D. Right to be Heard
- E. Right to Notice
- F. Right to Notice of Decision and Reasons
- G. Right to Prohibit Conflicts of Interest and the Implementation of a Code of Conduct
- H. Just and Equitable Taxation
- I. Proper Use of Public Property
- J. Power of Recall
- K. Protection of Human Rights
- L. Protection of Consumer Rights

See attached exhibit A

Contacts: Penny Canales 321-951-2775 canpen62@yahoo.com

Exhibits Attached:
 Exhibit A

Reviewed by Administrative Secretary/Chairman Yes No

	County Department
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Exhibit A

Section 1.9 CITIZENS' BILL OF RIGHTS

The citizens of the County establish this County government in order to protect and serve the citizens of the County. In order to secure to the County's citizens protection against abuses and encroachments by County government, and to insure all persons fair and equitable treatment, the following rights are guaranteed:

A. Access to Government - Each Person has the right to transact business with the County with a minimum of personal inconvenience. It is the duty of the County to provide reasonably convenient times and places for transacting business with the County.

B. Truth in Government - Each Person has the right to truthful and accurate information from Commissioners and County employees. Commissioners and County employees shall not knowingly omit any information or significant facts when disseminating public information.

C. Public Records - Each Person has a right to access County records. All audits, reports, minutes, documents and other County public records shall be open for public inspection at reasonable times and places.

D. Right to be Heard - Any Person has the right to appear before the County Commission, a Board, or Committee for the presentation, adjustment or determination of an issue, matter or request within the County's jurisdiction. Matters shall be scheduled for the convenience of the public, and specific portions of each agenda shall provide for designated times so that the public may know when a matter may be heard. The County may establish reasonable procedures relating to public hearings, including limitations on the time members of the public may speak on an issue.

E. Right to Notice - The County shall provide timely notice to Persons entitled to notice of a hearing before the County Commission, Board, or Committee. The notice shall include the time, place and nature of the scheduled hearing, and the legal authority which forms the basis for the hearing. Rescheduling of the hearing place and/or time shall be provided to the entitled persons no later than 48 hours prior to the original scheduled hearing. The County shall provide copies of proposed ordinances and resolutions at a reasonable time prior to the hearing, unless the matter involves the adoption of an emergency ordinance or resolution.

F. Right to Notice of Decision and Reasons - The County, if requested, shall provide members of the public notice of the County's denial of a Person's request made in connection with any County decision or proceeding by certified mail. A statement indicating the grounds for denial shall accompany the notice provided by the County.

G. Right to Prohibit Conflicts of Interest and the Implementation of a Code of Conduct - The County Commission shall enact, by ordinance, a conflict of interest section in the County Code that requires Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities to avoid even the appearance of impropriety in the performance of their duties and responsibilities. The County Commission shall also enact, by ordinance, a Code of Official Conduct that shall apply to Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities. In the ordinances enacted pursuant to this sub-section, the County Commission shall provide procedures for the examination of matters related to the conduct of Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities. The ordinances enacted pursuant to this sub-section shall also provide procedures for the removal of an employee or individual, other than a Commissioner.

H. Just and Equitable Taxation - The County shall prevent the imposition of any tax within the County in excess of the limitations imposed by Article VII, Section 9, of the Florida Constitution or by the laws of the State of Florida.

I. Proper Use of Public Property - The County shall prevent the use of public property or its taxing power for the benefit of private individuals, partnerships or corporations, in violation of the restrictions imposed by Article VII, Section 10, of the Florida Constitution, or by the laws of the State of Florida.

J. Power of Recall - The public shall have the power to recall any Commissioner in accordance with the laws of the State of Florida.

K. Protection of Human Rights - The County shall establish provisions, for protection of citizen human rights from discrimination based upon religion, political affiliation, race, color, age, gender, disability, familial status, marital status, or national origin by providing and ensuring equal rights and opportunities for all citizens of the County.

L. Protection of Consumer Rights - The County shall enact ordinances for protection of citizen consumer rights from unfair trade practices by all Persons. All provisions of this Article shall be construed to be supplementary to and not in conflict with the laws of the State of Florida. If any part of this Article shall be declared invalid, such invalidity shall not affect the validity of the remaining provisions.